

Adversary Proceeding Case Opening

Opening an adversary proceeding involves entering the necessary information regarding the plaintiff and defendant, along with basic statistical data. The lead event (usually the complaint) is incorporated into this process and will not need to be docketed separately. This module demonstrates the steps to take to open an adversary proceeding in CM/ECF.

STEP 1 Click the Adversary hypertext link on the CM/ECF Main Menu Bar.

STEP 2 The **Adversary Events** screen displays.

◆ Click the Open an Adversary Proceeding hypertext link.

STEP 3 The **Case Information** screen displays. (See Figure 1)

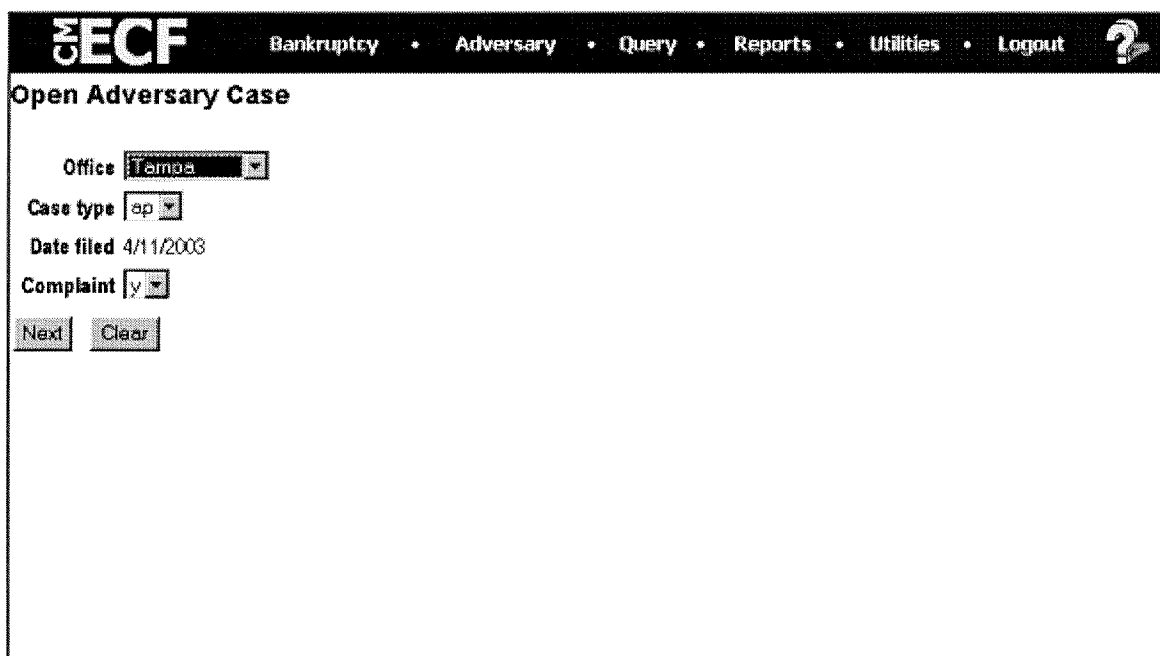


Figure 1

- ◆ Click the down arrow ▼ to reveal the list of **Office** (division) options. Select the same division to which the related general case is assigned.
- ◆ The current date is displayed in the **Date Filed** field. This date cannot be changed.
- ◆ Click the down arrow ▼ to reveal the list of **Case Type** options. Choose either **ap** for adversary proceeding or **mp** for miscellaneous proceeding. This field defaults to **ap**.

- ◆ Click the down arrow ▼ to reveal the list of **Complaint** options: either **y** for yes or **n** for no. This field signifies the lead event for this proceeding. If filing something other than a complaint, such as a Notice of Removal, change the **y** to **n**.
- ◆ Click **[Next]** to continue or **[Clear]** to re-enter the information.

STEP 4 The **Associated Cases** screen displays. (See Figure 2)

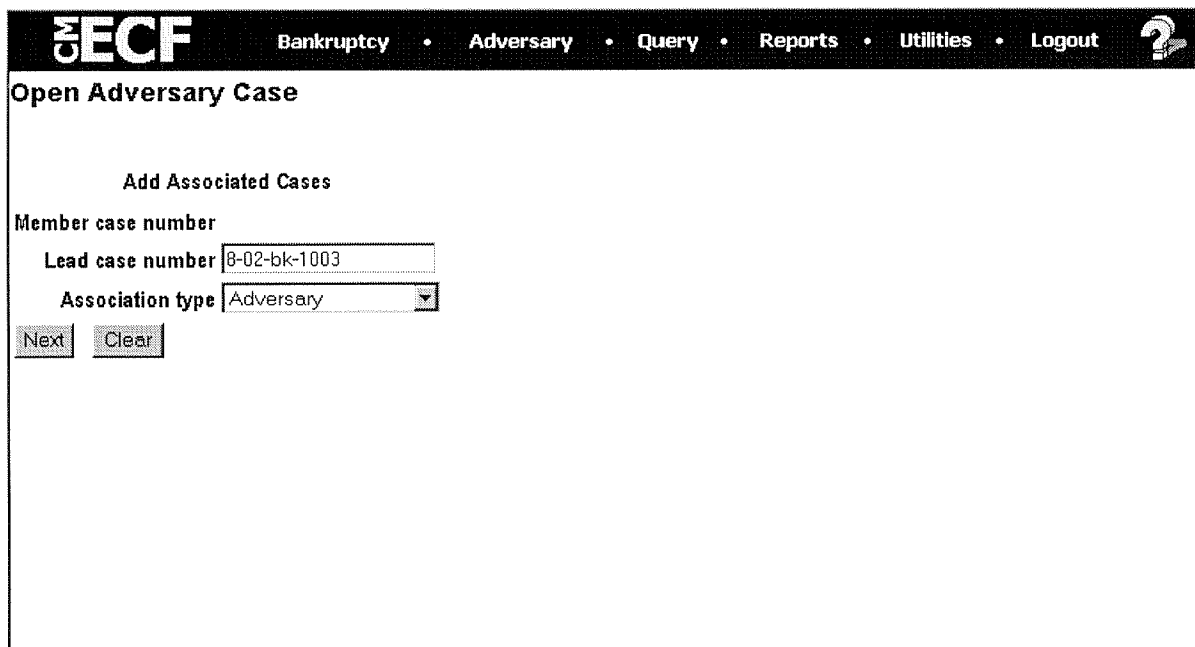


Figure 2

- ◆ Enter the **Lead Bankruptcy Case Number** (office code-yy-bk-nnnnn format).
- ◆ The **Association Type** field defaults to adversary. Click the down arrow ▼ to reveal the list of other **Association Type** options:
 - Adversary
 - Consolidated
 - Jointly administered
 - Related
- ◆ Click to highlight and select the appropriate **Association Type**.
- ◆ Click **[Next]** to continue.

Note: If the system prompts that the base case number entered is not a valid case, click the **[Back]** button and re-enter the case number.

STEP 5 The **Search Party** screen displays.

- ◆ Enter a social security number, tax identification number, or last/business name to search for the party to be added to the case. *It is recommended that you add parties to the case in the following order: Plaintiffs, defendants, then interested parties/other as applicable.*
- ◆ Click **[Search]** to continue.

STEP 6 The **Party Search Results** screen displays. (See Figure 3)

CM/ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Search for a party

SSN Tax Id

Last/Business name

Party search results

- Jones, James
- Jones, Peter Paul
- Jones, Sally
- Jones & Jones,
- Jones, Inc. ,

Figure 3

- ◆ If the system finds the correct party, highlight the party's name in the **Party Search Results** window, and click **Select Name from List** to add the party to the case, and then proceed to **Step 7**.

OR

- ◆ If the system does not find the party with the search criteria entered, it will display a message **No person found** (See Figure 4)

The screenshot shows the CM/ECF search interface. At the top is a navigation bar with links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below the navigation bar is a search section titled "Search for a party". It contains input fields for "SSN" and "Tax Id", and a "Last/Business name" field. There are "Search" and "Clear" buttons. Below the search section is a section titled "Party search results" which displays the message "No person found." and a "Create new party" button.

Figure 4

- ◆ Click **Create New Party** to add the party to the case.

STEP 7 The **Party Information** screen displays (See Figure 5).

The screenshot shows the CM/ECF "Party Information" screen. At the top is a navigation bar with links: Bankruptcy, Adversary, Query, Reports, and Utilities. Below the navigation bar is the "Party Information" section. It displays the name "James Jones" and "SSN:192-39-2983". There are input fields for "Office", "Address 1" (containing "4321 Ok Coral Lane"), "Address 2", "Address 3", "City" (containing "Charlotte"), "State" (containing "NC"), "Zip" (containing "28202"), "County" (containing "Mecklenburg" with a dropdown arrow), "Country", "Phone", "Fax", "E-mail", "ProSe" (containing "no" with a dropdown arrow), and "Role" (containing "Plaintiff (pla:pty)" with a dropdown arrow). There is a "Party text" input field. At the bottom are buttons for "Attorney...", "Alias...", "Review...", "Submit", "Cancel", and "Clear". A note states: "Add all attorneys and aliases before clicking the Submit button."

Figure 5

Note: if you have selected a party from the party list, you will not be able to change the social security number/tax id number field; however, you will be able to modify other field information.

- ◆ Enter or verify the party name. It is important to include the complete mailing addresses of the plaintiff and defendant for noticing purposes.

Important: Specify applicable **[Role]** type, Plaintiff, Defendant, etc. The system will default to “debtor” and must be changed to reflect the correct party role for the party currently being added.

- ◆ Click **[Attorney]** if you are representing the party being added.
 - ◆ Enter your last name or bar id number.
 - ◆ Click **[Search]** to continue.
 - ◆ The **Attorney search results** screen displays.
 - ◆ Click to highlight the attorney name.
 - ◆ Click **[Select name from list]** to continue and add yourself as the attorney for the party.

Note: if you are representing multiple parties, you will need to add yourself as the attorney for each plaintiff-party you are representing.

- ◆ The **Party Information** screen displays again.
- ◆ Add aliases, if any, by clicking the **[Alias]** button.
- ◆ Review information by clicking the **[Review]** button to verify the information for the party being added.
- ◆ When all information is correct, click **[Submit]** to add the party to the case and database.
- ◆ The **Party Information** screen displays again.

REPEAT Steps 4, 5 6 and 7 until all Plaintiff(s), Defendant(s) or other interested parties have been added to the system. Note: When adding a defendant, DO NOT associate an attorney for the defendant. An attorney for a defendant will be added to the case upon the filing of an answer.

- ◆ Once all parties have been added to the system, click **[End Party Selection]**.

STEP 8 The Adversary Statistical Data screen displays. (See Figure 6)

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open Adversary Case

Add judge

Party code

Nature of suit

Origin

Transfer date

Rule 23 (class action)

Jury demand

Demand (\$000)

Figure 6

- ◆ Click the down arrow ▼ to reveal the list of Judge options. Select the Judge that is associated with the Main Case to which the Adversary refers.
- ◆ Click the down arrow ▼ to reveal the list of **Party Code** options. If the U.S. is a plaintiff or a defendant in this adversary proceeding, click to highlight the correct party code to so indicate. If the U.S. is **not** a plaintiff or defendant in your case, accept the default **US not a Party**.
- ◆ Click the down arrow ▼ to reveal the list of **Nature of Suit** options. Click to highlight the nature of suit that applies to the instant case. Only one **Nature of Suit** option can be selected. However, there will be a free-text box window in the **Final Docket Text** screen in which to type any additional **Nature of Suit(s)** the pertain to this filing.

424 (Object or Revoke a Discharge pursuant to 11 U.S.C. Section 727)
 426 (Determine the Dischargeability of a Debt pursuant to 11 U.S.C. Section 523)
 434 (Obtain an Injunction or Other Equitable Relief)
 435 (Determine the Validity, Priority or Extent of Lien)
454 (Recover Money or Property)
 455 (Revoke Plan Confirmation)
 456 (Obtain a Declaratory Judgment)
 457 (Subordinate an Allowed Claim or Interest)
 458 (Approval For Sale)
 459 (Application For Removal)
 498 (Other Action)

Important Note: If there is more than one **Nature of Suit** and one is objection to discharge (727), choose 424 (*Object or Revoke a Discharge pursuant to 11 U.S.C. Section 727*) here.

- ◆ Click the down arrow ▼ to reveal the list of **Origin** options. Click to highlight and select the appropriate origin for the case being filed. The **Origin** field defaults to original proceeding. Other values are:

1 Original Proceeding 2 Removed From State 4 Reinstated/Reopened 5 Transferred in From Other District
--

- ◆ Enter a **Transfer Date** if applicable.
- ◆ Click the down arrow ▼ to reveal the list of **Rule 23 (Class Action)** options. The default is *n* for no. If the adversary being filed is a Rule 23 (Class Action) proceeding, change the default to *y*.
- ◆ Click the down arrow ▼ to reveal the list of **Jury Demand** options. Those options are *Both*, *Defendant None*, *Plaintiff*. The system defaults to none. If you are requesting a jury trial in your attached complaint, so indicate in this field.
- ◆ **Demand:** If there is a dollar demand in the complaint, enter the (\$000) amount to the nearest thousand (i.e. for a demand of 5,000 enter 5, leave off the 000). Note: DO NOT use dollar signs or commas.
- ◆ Click **[Next]** to continue.

STEP 9 The PDF Document Selection screen displays (See Figure 7)

The screenshot shows the 'Open Adversary Case' screen in the ECF system. At the top is a navigation bar with links: Bankruptcy, Adversary, Query, Reports, Utilities, Logout, and a help icon. Below the navigation bar, the title 'Open Adversary Case' is displayed. A note states: 'COURT USERS: ADJUST THIS DATE, AS NECESSARY, TO THE DATE THE DOCUMENT WAS FILED'. Another note for electronic filers says: 'ATTENTION ELECTRONIC FILERS: You must attach a pdf document in the Filename box. Select the pdf document (for example: C:\199ev501-21.pdf)'. There is a 'Filename' label followed by a text input field and a 'Browse...' button. Below this is the 'Attachments to Document' section with radio buttons for 'No' (selected) and 'Yes'. At the bottom are 'Next' and 'Clear' buttons.

Figure 7

- ◆ Click **[Browse]**, then navigate to the directory where the appropriate PDF file is located. To view the image before selecting to be sure you have chosen the correct file, right click on the highlighted filename and click on **open**. You can view the image in Adobe Acrobat, then close Adobe Acrobat when you have finished viewing the image. Once you have verified the correct document had been selected, double-click on the PDF file to select it and associate it with this docket entry.

NOTE: It is important to view every document to verify the correct pdf file is being associated with the docket entry.

- ◆ The **Attachments to Document** option defaults to **No**. Click the **Yes** radio button to indicate there are attachments and attach the Adversary Proceeding Cover Sheet and the prepared Summons as separate attachments. (Refer to module: *Attachments to Documents* for more information).
- ◆ Click **[Next]** to continue.

STEP 10 An information screen displays with special prompts for both external and internal users. Review the prompts and follow any that are related to the Adversary Proceeding being opened (**See Figure 8**).

CECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open Adversary Case

COURT USERS ONLY: IF THIS IS A 727 OBJECTION TO DISCHARGE COMPLAINT, SET 727OBJ FLAG ON THE BANKRUPTCY CASE .

COURT USERS ONLY: ENTER ADVERSARY CROSS-REFERENCE INFORMATION ON BANKRUPTCY CASE

COURT USERS ONLY: IF THE FILING FEE IS DEFERRED, SET THE FEE DEFERRED FLAG.

TRUSTEE FILERS: If payment of the filing fee is to be deferred, type DEFERRED in the box below. U.S. Trustee type NO FEE in the box.

Type Amount of Fee Paid, Deferred or No Fee as Applicable:

Figure 8

- ◆ If the Trustee is deferring the fee, type DEFERRED in the box
- ◆ Click **[Next]** to continue.

STEP 11 The Final Docket Text screen displays (Figure 9)

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary Case

NOTE: Only text in the white boxes can be modified

Docket Text: Modify as Appropriate.

Complaint by Ann Iannarelli against Sarah Zavacky . Filing Fee DEFERRED. Nature of Suit: 454 (Recover Money or Property) . (Attachments: # (1) Adversary Proceeding Cover Sheet # (2) Summons) (Iannarelli, Ann)

Next Clear

Figure 9

- ◆ A supplemental text box window and a prefix box are available to add more detail to the docket text (See Figure 10).

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logo

Open Adversary Case

NOTE: Only text in the white boxes can be modified

Docket Text: Modify as Appropriate.

Complaint by Ann Iannarelli against Sarah Zavacky . Filing Fee DEFERRED. Nature of Suit: 454 (Recover Money or Property) . (Attachments: # (1) Adversary Proceeding Cover Sheet # (2) Summons)

Addendum to
 Agreed
 Alias
 Amended
 Amendment to
 Certified
 Corrective
 Cross
 Emergency
 Ex Parte

Figure 10

- ◆ Click the down arrow ▼ to display the prefix options.

Options to choose from are:

[none]
 Addendum to
 Agreed
 Alias

Amended
Amendment to
Certified
Corrective
Cross
Emergency
Ex Parte
Expedited
Fifth
Final
First
First Amended
Fourth
Fourth Amended
Interim
Intervenor's
Joint
Limited
Omnibus
Opposition
Pluries
Pre-Trial
Proposed
Sealed
Second
Second Amended
Sixth
Status
Supplemental
Supporting
Third
Third Amended
Third Party
Trial
Unilateral
Verified

- ◆ A supplemental text box window is provided to type the nature of the suit(s).
- ◆ Verify the accuracy of the Final Docket Text.
- ◆ Click **[Next]** to continue.

STEP 12 The **Final Approval** screen displays (See Figure 11)

CM/ECF Bankruptcy • Adversary • Query • Reports • Utilities •

Open Adversary Case

Docket Text: Final Text

Complaint by Ann Iannarelli against Sarah Zavacky. Filing Fee DEFERRED.
Nature of Suit: 454 (Recover Money or Property). (Attachments: # (1) Adversary
Proceeding Cover Sheet # (2) Summons) (Iannarelli, Ann)

Attention!! Submitting this screen commits this transaction. You will have no further
opportunity to modify this submission if you continue.

Figure 11

- ◆ Verify the Final Docket Text. This is the point of no return. Once you click **[Next]**, the transaction will be complete.
- ◆ If the Final Docket Text is correct:
 - ◆ Click **[Next]** to continue and officially submit document.
- ◆ If the Final Docket Text is incorrect:
 - ◆ Click the browser **[Back]** button to find the error(s) and proceed with the event.
 - ◆ To abort or restart the transaction, return to **Step 1** and begin again.

STEP 13 The **Notice of Electronic Filing** screen displays.

- ◆ It is on this screen where the Adversary Case number will be displayed.
- ◆ The Notice of Electronic Filing is the verification that the filing has been filed electronically in the court's database. It certifies the that document is now an official court document.
- ◆ Clicking on the case number hypertext link on the **Notice of Electronic Filing** will present the *Docket Report* for this case.
- ◆ Clicking on the document number hypertext link will present the *PDF Image* of the document just filed.

- ◆ To print a copy of this notice click the browser **[Print]** icon.
- ◆ To save a copy of this notice, click **[File]** on the browser menu bar and select **Save Frame As**.
- ◆ You may also save the notice through the browser **File/Save** option.
- ◆ This screen displays the participants who will receive electronic notification of the filing.

Issuing a Summons

Upon notification of an electronically filed Adversary Proceeding, the Clerk's Office will issue a summons. The summons will be detached from the docket entry, signed and dated. If a pre-trial hearing is routinely added to the summons, the Clerk's office will add the stamp along with the hearing date and time.

The summons will be re-scanned and docketed by the Clerk's office. Upon e-mail notification to the Trustee (**See Figures 1-3**); the Trustee (or his designee) will serve the summons as normal.

NOTE TO PUBLIC ACCESS USERS You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

U.S. Bankruptcy Court

Middle District of Florida

Notice of Electronic Filing

The following transaction was received from MASON, SARA entered on 4/25/2003 at 8:39 AM EDT and filed on 4/25/2003

Case Name: Iannarelli v. Mason

Case Number: 8:03-ap-00001

Document Number: 2

Docket Text:

Summons Issued with Notice of Pretrial on Ann Iannarelli Date Issued 4/25/2003, Answer Due 5/25/2003.

Figure 1

The following transaction was received from MASON, SARA entered on 4/25/2003 at 8:39 AM EDT and filed on 4/25/2003

Case Name: Iannarelli v. Mason

Case Number: 8:03-ap-00001

Document Number: 2

Docket Text:

Summons Issued with Notice of Pretrial on Ann Iannarelli Date Issued 4/25/2003, Answer Due 5/25/2003.

Pre-Trial Conference set for 7/25/2003 at 01:30 PM at Tampa, FL - Courtroom 10B, Sam M. Gibbons Courthouse, 801 N. Florida Avenue. (MASON, SARA)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: T:\masons\000578_0112_01__0xp0gmx30.pdf

Electronic document Stamp:

Figure 2

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: T:\masons\000578_0112_01__0xp0gmx30.pdf

Electronic document Stamp:

[STAMP bkecfStamp_ID=1021488240 [Date=4/25/2003] [FileNumber=20131-0]
[578a1cae39c79655b5f3434f232a621435398f0998629314bcee36c85376dbb8ccab
fe4d5f6d31bdcl3d130f55d3c4e8774adbfaf7b7f51af7d77992f498b92]]]

8:03-ap-00001 Notice will be electronically mailed to:

Ann Iannarelli Ann_Iannarelli@flmb.uscourts.gov,

Sara Mason Sara_Mason@flmb.uscourts.gov,

8:03-ap-00001 Notice will not be electronically mailed to:

Figure 3

Once the E-mail notification has been received and the summons served on the parties a Certificate of Service (for each party served) will need to be entered on the docket.